



Office of the City Manager
City of Frisco, Texas

Memorandum

To: Mayor and City Council

From: Gary R. Hartwell, Director of Public Works
Henry J. Hill, Deputy City Manager

CC: George Purefoy, City Manager
John Lettelleir, Director of Planning & Development Services

Date: December 2, 2008

Re: Ordinance establishing minimum standards for installation of irrigation systems to comply with House Bill 1656

Action Requested: Council approval of an Ordinance to implement minimum standards for the installation of irrigation systems in the City in compliance with House Bill (HB) 1656 which becomes effective January 1, 2009.

Background Information: During the 2007 legislative session, the Texas Legislature adopted HB 1656. The requirements are applicable for all new or major repairs to irrigation systems after January 1, 2009. The premise of the bill is that a properly installed irrigation systems will help conserve water and minimize water waste through badly designed or poorly installed systems.

HB 1656 mandates significant changes in how irrigation systems are installed. HB 1656 mandates that a city with a population of 20,000 or more to regulate the installation of all irrigation systems within the corporate limits and the extraterritorial jurisdiction. Municipal regulation includes the approval of plans; installation inspection; and a final walk-through that requires system operation, programming requirements, and seasonal adjustments to watering schedules. The municipality's requirements must be at least as stringent as the Texas Commission on Environmental Quality's (TCEQ) rules; require the installer of an irrigation system to be licensed; require a permit prior to installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the municipality; and include

minimum standards and specifications for the design, installation, and operation of irrigation systems.

Public Works has been working with the Planning Department to develop the proposed Frisco ordinance. There has also been a working group effort through the Texas Municipal League and the North Texas Council of Governments to develop a model ordinance and provide coordination and standardization on how the municipalities might implement. Frisco's proposed ordinance follows the model ordinance with some minor variations. This is how most of our neighboring cities are proceeding.

Implementation of HB 1656 was previously discussed with Council at your Summer Worksession and during the City's budget process. It was determined that the volume of work required would necessitate the devotion of considerable staff time to the plan review and inspection process. Given budgetary concerns, additional staffing is not being added. Existing staff in the Building Inspection group will take on the responsibilities of implementation and enforcement initially. At a later date, the program will be transferred over to the Public Works Department as, ultimately, this is a water conservation effort and will be a part of the city's overall efforts in that regard.

HB 1656 allows the adoption of fees to cover the cost of the program. When discussed during the budget reviews, it estimated that a fee of \$150 for residential systems would be appropriate. However, further consideration of expected staff time for permitting and inspection has resulted in a recommended fee of \$185 for residential systems and a minimum fee of \$250 for non-residential systems (additional fees for non-residential systems are required depending on the size - with a maximum of \$500 for any system).

The significant elements of the proposed ordinance include:

- A permit is required to demonstrate conformance with the minimum state requirements. There are a large number of minimum requirements specified in the TCEQ rules which are adopted as a part of this ordinance.
- An irrigation plan is required for all new landscape irrigation systems designed or installed on or after January 1, 2009. An irrigation plan is not required for the maintenance, alteration, repair, or service of an irrigation system. The addition of new zones does not trigger the requirement for an irrigation plan; however, the irrigation system owner may request an irrigation plan. A plan is not required for major repair.
- "Major repair" is defined as including repairing or connecting to a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a way which opens the system to the atmosphere. Regular or routine homeowner maintenance of a system would not be considered a major repair unless it involved any of the defined items.
- The irrigation installer must be licensed. A property owner can do their own install without a license, but they must submit for a permit and provide an irrigation plan.

- System design must promote water conservation including requirements as to the operation of the system in conformance with manufacturers specifications, and specifics such as zoning, spray head flow and coverage.
- Requires rain/freeze devices and Smart “ET” controllers (as current city requirements do)
- Inspections must be made by a licensed plumbing inspector.
- A licensed irrigator or technician must be on site during installation.
- Final “walk through” with property owner and a maintenance checklist is required in order to make sure the owner is knowledgeable about the system and its operation.
- A written warranty on the irrigation system is required to be given the property owner.
- Violation is punishable with a fine of up to \$2,000.

Alternatives:

The City Council could consider the following alternatives:

- Table the Ordinance.
- Not pass the Ordinance.
- Direct staff to make changes or modifications as directed.

Financial Considerations: Funds will be generated for this program from a permit fee of \$185.00 for residential systems and a minimum fee of \$250.00 for non-residential systems as defined in the proposed ordinance. The expected revenue, as budgeted, is \$150,000 annually

Legal Review: Abernathy, Roeder, Boyd and Joplin, P.C. has reviewed the ordinance and approved as to form.

Supporting Documents: Proposed ordinance.

Staff Recommendation: Staff recommends approval.